

## **Chesapeake Bay Exception CBE-11-002: 108 Godspeed Lane; Powhatan Shores**

Staff report for the August 11, 2010, Chesapeake Bay Board Public Hearing

This staff report is prepared by the James City County Environmental Division to provide information to the Chesapeake Bay Board to assist them in making a recommendation on this assessment. It may be useful to members of the general public interested in this assessment.

### **Existing Site Data & Information**

Applicant: Mr. David R. Chin  
108 Godspeed Lane  
Williamsburg, VA 23185

Land Owner(s): Mr. David R. Chin

Location: 108 Godspeed Lane  
Williamsburg, VA 23185  
Property PIN: 4730500050

Parcel Size/Zoning: 0.48 +/- acres, PUD Residential

Percent of Parcels in RPA: 57% (0.27 +/- acres)

Watershed: Powhatan Creek; Non-Tidal Mainstem (HUC Code JL31)

### **Proposed Impacts**

Impervious Area: 160 square feet (<0.01 acres)

RPA Encroachment: Seaward 50 foot RPA Buffer

### **Brief Summary and Description of Activities**

Mr. David Chin of 108 Godspeed Lane has applied for an exception to the Chesapeake Bay Ordinance for the placement of an accessory structure (storage shed) in the seaward 50' buffer of the RPA. The entire area behind the existing dwelling is located within the Resource Protection Area. An existing shed is located on the southern side of the property in the seaward 50' buffer.

The applicant proposes to install a 10'x16' storage shed on the northern side of the property adjacent to the canal. According to the applicant, the storage barn will be utilized to store boating, camping, and related equipment along with providing closer access to the existing dock and canal.

## **Background**

The lot was recorded prior to the adoption of the Ordinance, and no RPA existed on the lot at that time. Following the 1990 adoption of the Ordinance, the adjacent canal leading into Powhatan Creek was identified as a resource thereby requiring that a 100 foot RPA buffer be established on the lot.

In this case, the exception request is for the installation of a storage shed in the seaward 50' buffer. Therefore in accordance with section 23-14 of the Ordinance, an exception must be processed by the Chesapeake Bay Board after a public hearing.

## **Staff Evaluation**

Staff has evaluated the application and exception request for all work as described above. The proposal is for a new accessory structure in the seaward 50' buffer of the RPA. Staff finds that the application has met the conditions in the Chesapeake Bay Preservation Ordinance, Sections 23-11 and 23-14, and that the application should be heard by the Board.

## **Water Quality Impact Assessment (WQIA)**

In accordance with Bay Act requirements and the Ordinance all land disturbance, development or redevelopment within the RPA requires a water quality impact assessment (WQIA). Water quality impact assessments shall identify impacts of proposed development on water quality and land in RPAs and recommended measures for mitigation of these impacts. Localities must review a WQIA prior to action on the exception request. James City County has established guidelines for submission of minor/major WQIAs.

A WQIA was provided on July 6, 2010. Based on staff review, the WQIA proposes to mitigate for RPA impacts by:

- Planting of one understory tree and three shrubs directly adjacent to the proposed accessory structure. The proposed mitigation meets County Standards for mitigation rates for the proposed impervious cover.

## **Staff Recommendation**

Staff has fully reviewed the application and exception request, including the WQIA, and has determined impacts associated with the proposal to be minimal for the proposed development and that the proposed mitigation measures are acceptable. Staff recommends the Chesapeake Bay Board approve this Chesapeake Bay Exception with the following conditions:

1. The applicant must obtain all other necessary federal, state and local permits as required for the project.
2. The mitigation plan shall be revised to reflect the installation of appropriate native plantings prior to implementation in the field.
3. All proposed mitigation plantings shall meet James City County Standards with canopy and understory trees being of 1 ½ caliper or six feet to eight feet tall and shrubs being of three gallon size.

4. Full implementation of the RPA Mitigation Plan submitted with the WQIA and any additional Board mitigation requirements shall be guaranteed through the provisions of the Ordinance contained in Sections 23-10(3) d. and 23-17(c) by providing a form of surety satisfactory to the County Attorney.
5. This exception request approval shall become null and void if construction has not begun by August 11, 2011.
6. Written requests for an extension to an exception shall be submitted to the Environmental Division no later than 2 weeks prior to the expiration date.

#### **Consideration by the Chesapeake Bay Board**

The exception granting body is permitted to require reasonable and appropriate conditions in granting the exception request in accordance with Section 23-14 of the County's Chesapeake Bay Preservation ordinance. The Chesapeake Bay Board is to fully consider Chesapeake Bay Exception CBE-10-032 as outlined and presented above and review the request for exception and the water quality impact assessment. The Board may grant the exception with such conditions and safeguards as deemed necessary to further the purpose and intent of the County's Chapter 23 Chesapeake Bay Preservation Ordinance. Resolutions for granting approval or granting denial of Chesapeake Bay Exception CBE-10-032 are included for the Board's use and decision.

Staff Report prepared by:

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Michael P. Majdeski  
Senior Environmental Inspector

CONCUR:

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Scott J. Thomas  
Secretary to the Board

Attachments: